

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

GLEN BARNHILL, JUSTIN COCHRAN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:10-CV-0178
	)	Judge Wiseman
MARK EMKES, Commissioner, et al.,	)	
	)	
Defendants.	)	
_____	)	
	)	
VANDERBILT UNIVERSITY MEDICAL	)	
CENTER,	)	
	)	
Intervenor-Plaintiff,	)	
	)	
v.	)	
	)	
GLEN BARNHILL, MARK EMKES,	)	
DARIN GORDON, and UNITEDHEALTHCARE	)	
PLAN OF THE RIVER VALLEY, INC.	)	
	)	
Defendants	)	

**ORDER**

This matter came before the Court upon the joint motion of the parties to the pending appeal in this action, pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, asking this Court to indicate its willingness to accept the limited remand from the Sixth Circuit Court of Appeals and proceed to grant the parties' joint motion to vacate the Memorandum and Order from which the State Defendants appealed and to dismiss the Amended Complaint of Vanderbilt University Medical Center as specified by the parties.

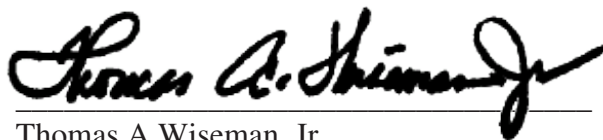
Having considered the parties' motion and the entire record, the Court is of the opinion, and so finds, that if the case is remanded to it by the Court of Appeals for the Sixth Circuit, it will grant the relief requested.

**IT IS, THEREFORE, ORDERED BY THE COURT** that if the case is remanded to the District Court by the Court of Appeals, this Court will grant the parties' joint motion pursuant to Rule 62.1 of the Federal Rules of Civil Procedure and proceed to:

(1) vacate the Memorandum and Order from which the State Defendants appealed (Doc. Nos. 96 and 97, entered November 10, 2010); and

(2) dismiss the Amended Complaint of Vanderbilt University Medical Center (Doc. No. 64) without prejudice as to Vanderbilt's claims against Glen Barnhill (the "Claims against Plaintiff," ¶¶ 65-70, and ¶ 2 of the "Prayer for Relief") and with prejudice as to the remainder of the amended complaint including Vanderbilt's claims against Defendants Emkes and Gordon and Vanderbilt's claims against United Healthcare Plan of the River Valley, Inc., d/b/a AmeriChoice.

ENTERED this 48<sup>th</sup> day of LWP G, 2012.

A handwritten signature in black ink, reading "Thomas A. Wiseman, Jr.", written over a horizontal line.

Thomas A. Wiseman, Jr.  
Senior U.S. District Judge